

JS 44C/SDNY
REV. 5/2010

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

Swain

PLAINTIFFS

Jonathan Lee Riches

DEFENDANTS

Irving H. Picard

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. 158

Has this or a similar case been previously filed in SDNY at any time? No? ☐ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

	TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT		PERSONAL INJURY	PERSONAL INJURY	[] 610 AGRICULTURE	X [] 422 APPEAL	[] 400 STATE		
				[] 620 OTHER FOOD & DRUG	28 USC 158	REAPPORTIONMENT		
	[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 625 DRUG RELATED	[] 423 WITHDRAWAL	[] 410 ANTI TRUST		
	[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	SEIZURE OF PROPERTY	28 USC 157	[] 430 BANKS & BANKING		
	[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	21 USC 881		[] 450 COMMERCE		
	[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 460 DEPORTATION		
	[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)		
		[] 345 MARINE PRODUCT LIABILITY		[] 650 AIRLINE REGS	[] 830 PATENT			
	[] 151 MEDICARE ACT	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD	[] 660 OCCUPATIONAL SAFETY/HEALTH	[] 840 TRADEMARK	[] 480 CONSUMER CREDIT		
	[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING	[] 690 OTHER	SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV		
		[] 360 OTHER PERSONAL INJURY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	LABOR	[] 861 HIA (1395ff)	[] 810 SELECTIVE SERVICE SECURITIES/ COMMODITIES/ EXCHANGE		
	[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS		[] 385 PROPERTY DAMAGE PRODUCT LIABILITY	[] 710 FAIR LABOR STANDARDS ACT	[] 862 BLACK LUNG (923)	[] 875 CUSTOMER CHALLENGE		
	[] 160 STOCKHOLDERS SUITS			[] 720 LABOR/MGMT RELATIONS	[] 863 DIWC/DIWW (405(g))	12 USC 3410		
	[] 190 OTHER CONTRACT			[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY ACTIONS		
	[] 195 CONTRACT PRODUCT LIABILITY			[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	[] 891 AGRICULTURAL ACTS		
[] 196 FRANCHISE			[] 790 OTHER LABOR LITIGATION	FEDERAL TAX SUITS	[] 892 ECONOMIC STABILIZATION ACT			
	ACTIONS UNDER STATUTES	PRISONER PETITIONS	[] 791 EML RET INC SECURITY ACT	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS			
REAL PROPERTY	CIVIL RIGHTS			[] 871 IRS-THIRD PARTY	[] 894 ENERGY ALLOCATION ACT			
				26 USC 7609	[] 895 FREEDOM OF INFORMATION ACT			
	[] 210 LAND CONDEMNATION	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	IMMIGRATION	[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE			
	[] 220 FORECLOSURE	[] 442 EMPLOYMENT	20 USC 2255	[] 462 NATURALIZATION APPLICATION				
	[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 463 HABEAS CORPUS- ALIEN DETAINEE				
	[] 240 TORTS TO LAND	[] 444 WELFARE	[] 535 DEATH PENALTY	[] 465 OTHER IMMIGRATION ACTIONS				
	[] 245 TORT PRODUCT LIABILITY	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER					
			[] 550 CIVIL RIGHTS					
	[] 290 ALL OTHER REAL PROPERTY	[] 446 AMERICANS WITH DISABILITIES -OTHER	[] 555 PRISON CONDITION					
		[] 440 OTHER CIVIL RIGHTS						

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1322, 1441)**

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 08/19/2010 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

[] YES (DATE ADMITTED Mo. _____ Yr. _____)

Attorney Bar Code #

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)